Town of Milton Town Council Meeting Minutes June 05, 2006

Milton Town Council Meeting was held in the Milton Theatre, 110 Union Street.

OPEN FLOOR (7:15 p.m.):

Ann Yarborough:

What I would like to talk about tonight is the process that you might be willing to engage in to allow the historic district updating and proposal to go forward even though the finance committee has recommended that the proposal be placed as a line item for the 2007 budget so it would be considered over the summer for the financial year 2007. The only concern I have is that the University of Delaware works on an academic schedule so they are prepared to begin this project in September 2006 and complete in May 2007. What I would like to propose is that the town council sends a letter stating the intention of the town council to support the project and on the basis of that letter, they are willing to go ahead to begin the project in September and then in the letter the council would say that if for some reason the council decided not to approve the project, the council would be willing to reimburse the university for the costs that they had incurred simply for that month of September. So I think it may be a way to assure the Center for Historic Architecture and Design that we are serious about our intentions so that they can begin the project in September and complete in next May or June. I would like to give you copies of this letter so that you can look at that and see if this would be a way to resolve the little tiny issue that we have here.

John Collier:

For the record, I am John Collier and I live on Coulter Street and I came here tonight to speak to streets. I thought I had a burning issue, but in fairness to Mayor Post about that particular property on their project. It brings me to another issue on certain streets. I really would like to call upon the council to develop a comprehensive streets plan. With just the little bit of research that I have done, I found things like, for instance, Chestnut Street sidewalks an issue in question in 2002 that would be addressed under section 31A of the town charter, 2003 the council voted to seek transportation funds, in 2004 letters went to Senator Adams, Representative Carey asking for funding for 2005 – 2006 to cover the town's portion of a project under the transportation enhancement projects. It was promised by the town's submission approximately two months, we are now looking at fiscal year 2007 and we still are working on sidewalks on Chestnut Street. Other issues in December 2005, the residents of Spruce Street submitted a petition requesting paving. I personally brought something to the streets committee in the past stating what I know about streets and I prepared a detailed estimate including just what is the problem of the streets, what they could expect to spend to repair again, it was brought up in that meeting to the chair's credit that we need to do something like that to get it done. Other matters that kind of concern me, I believe in January 2006, the town meeting moved to clean the alleys up over in one part of town and that was actually funded by legislative dollars, which was very nice, but then I find out things like there's a town maintained alley known as "B" street. The other thing that concerns me and why I would like to see a comprehensive street plan developed 70% goes to streets and that is a very broad category. The town spends the majority of that on street lighting, which is within the

scope. There is no monies there for the dedicated streets, there don't appear to be any specifically budgeted streets, it seems to depend solely on the legislative funds and the problem I have with that is that in 2006 and right now the funding 2007 is seriously in doubt. At least 3 times in the last 18 months, she has brought up to the town council in her report, what are we going to do about sidewalks if we are going to follow an ordinance or is the town going to take over. The council has yet to respond to her request and there is a lack of communication.

Mayor Post:

I would like to respond to that, Mr. Collier. The council did take action to her request and they voted it down. They voted that they were going to seek public funds and not do such as the ordinance states or the charter states as well, that the people take care of their own sidewalk. I want to bring the public clear of this, that there was a study done on Chestnut Street, which cost the townspeople probably about \$40,000 - \$50,000 last year or the year before, that has just gotten us the answer of the cost of what it would cost just for doing streets and many other necessities to that part of Chestnut Street, which was almost \$1 Million dollars, which the town certainly could not pick up that kind of a cost, but I certainly do think we do need to address the sidewalks, the sidewalks themselves and it is possible that maybe we need to go back and how it always was done in this town that the people when you can find grant funds, that's great but if we don't have grant dollars or we don't allocate into the budget, a minimum of "X" amount of dollars per year to do "X" amount of streets and sidewalks then we need to go back to how we know we can secure the sidewalks to be done and that is by putting it back on the property owner.

Councilwoman Betts:

Mayor Post, may I say something, I have an expense report on the streets and sidewalks that will explain some of this to Mr. Collier and the rest of the committee. I do appreciate that you brought it to the attention and there are several other items that have been brought up to the street committee that has not been followed through.

That is why I recommended a comprehensive streets plan; it gears me from where I sit that we can bounce all over the place with this idea. I appreciate that your transfer tax is going to help fund this, I suggest this as a possibility, well, that's great, but I wouldn't be too dependent on the transfer tax because from where I sit the real estate market is getting a little soft and that's what generates your transfer taxes. I know some time this year that there is going to be a referendum on the sewage and I would suggest that you might consider referendum to fund the streets.

Tina Thourogood:

My name is Tina Thourogood and I live on Spruce Street. Former Councilman Bill Wright and former Mayor Bushey stated there were no funds available to repave the streets. What I would like to know is, if and when we are going to get out street paved. I've been told for many, many years now that there's no money to do it and I would like to know where on the list in the town that we are, because the street's cracked, the manhole covers are standing up. Now, at the end of the street, we have a brand new development Preserve on the Broadkill II, which they are entering at the end of our street. This poor street can barely support the cars on it let alone this truck traffic. I'd like to know is there a list of what streets haven't been budgeted for five years to pave our street.

There are slips up front; there is a house bill 425 this is for a low cost spay/neuter. I'm plugging for this action. It is for dogs and cats. It's to encourage programs in the state for low costs spay/neuter and what they are going to do is pass a fee to the rabies vaccine and get the vet to help fund it. It's a win/win situation. Thank You.

Jim Welu:

428 Cedar Street – I just want to thank the Catsnippers members of Milton, they did an excellent job down on Cedar Street, and the 400 block the last couple of weeks. Anyone that has been helped in their neighborhood ought to give them a little contribution, bring them food, and bring them medicine.

I'd like to mention that like the police report which we hear every month from Chief Phillips, which I think is very helpful to have that as a record, I would recommend that planning and zoning, the board of adjustments and historic history committees make written reports available to the citizens as well as to the council. I would recommend that the council ought to look into how much it would cost for each council member to have an individual microphone because public sessions are very important. I had conversations with a number of women from a church who had all gone to the old school and it would really be nice if there was some way that we could buy that, fix it up it has a real history. The question that comes up is that property, that school, on the historic register or is there a way of putting it on the national register. I think it is a very important building for the history of Milton.

The owner, as it is today could bring it in even to the town district, which would still bring some of the covenants and restrictions to the historic zoning and ordinances that we currently have in place and any individual person can do that as a property owner in this town that would like to put those restrictions on to their individual homes so they don't have to be in the district anymore. They would not obviously receive the historic tax credit, but they certainly would receive the preservation of the property.

Mr. Welu: It is on the market, that is my understanding and it is almost \$1 million dollars, \$950,000. On the agenda you have correspondence, but at the last meeting correspondence was not read but you can go to the town hall and read it and I don't know if it's going to be a policy, I'd like to make a recommendation along that line that if there are letters sent to the town specifically requesting that it be read at the council meetings and I know that I saw the note on Denny. I would like to make a suggestion that if letters are not going to be read, that are available at Town hall, put them in a binder and have them here at the town hall at the town meetings. January, the town hires a landscaping firm to clear the alley that the town owns between Union Street and Hazzard Street and between Atlantic Avenue and about half way down towards State Avenue. The shrubbery had been cleared so that my neighbor is visible. Myself and other sent letters the trucks that were used by the contractor, and they were all over my lot at the corner of Hazzard and Atlantic. They are fairly deep ruts in there. When I talked to Mr. Godwin, he heard that maybe a Verizon truck was on there. I talked to Mr. Parker and she stated that Hal had come out and saw the trucks in the yard. I think that the contractor should come back and fix the ruts. Would you put that in a request in a formal letter to the town so we can address that?

Mayor Post: Welcome to our new solicitor and our new city administrator. I did want to state that any copy of any of the minutes, and this is for anybody in the public as well, are available in the town hall.

Donna Johnson:

Good evening, mayor and council, my name is Donna Johnson, Sunrise realty, Chestnut Street. Milton – I'm here to hope to get clarification on a matter that I have been dealing with last week. I listed a lot in a new development, and, in doing so, I contacted the proper authorities through the town to make sure that I was quoting the proper fees required to install town water and sewer. To my surprise, I learned that the sewer impact fee on this existing lot was going to be \$8,000. I was quite concerned over that because I'm wondering that, if perhaps, it was an oversight or that in fact that is what you intended when you adopted the \$8,000 impact fee. Back in 1963, the Town of Milton, the mayor and council at that time imposed a \$.65 in front footage charge that lasted, I think for 15 or 20 years. I think it went off in 1983. That fee was to cover the cost of installing the sewer system for those residents of the Town of Milton at that time. And, so, in fact, my belief that those people have paid for that privilege and now they are with all the new development that is going on they are going to be paying the same fee. My question to you was, did you take that into consideration and, if not, would you reconsider that because these people, in my opinion, have already paid for the right to connect to the town. Obviously, I understand a fee would be required, but they, in fact, paid for that, lines, the sewer system and everything at that time. It can be discussed, if the sewer committee wants to take that up for discussion, they can. I do think, and whether it's anywhere in the town, it was intended that if there was no proof of any existing home on that property, nothing but the empty lot, that they would pay the impact fee because there's obviously some properties that do have EDU's, that do have the hookups because the homes have been torn down. That is something you have certainly brought up to our attention; we certainly will look into it. These people have the sewer lines running across their property already, they paid for the sewer system, so it is my hope that you will consider at least giving them some sort of consideration instead of having to pay the full \$8,000 impact fee. But what is my understanding is you're saying everything in what is called the new development or are you just talking about that street? No, in fact when the Town of Milton in having been involved in collection of that when I was the town clerk, everybody paid \$.65 in front footage fee to install the town sewer line and to upgrade the sewer system. And that lasted for like 20 years, so these people paid quite a bit of money over the years and that was for the entire town for maintaining the current system. We are moving into a new era and that is something we all have to look at. We are talking about a serious era, because we are talking about an era that is going to kind of a costly project. We are talking about a new thing. We are talking about now, with these increased impact fees, it is also to help with these costs of all the new development, all the new stress that has been put on the current structure. I'm not just talking about the sewer plant, I'm talking about the pipes in the ground, everything, and, as well, the building of a new plant. You have the land, the plant and you have the connection between the land and the plant and the discharge area. You are going to have heavy costs that are going to be bared. That is something, the frontage, because I remember paying it was always what I thought was not for to put into a coffer for building a new sewer plant. So the new impact fees also waive the new change of the town, the cost and the restructure. That's what we have to look at also. It is my understanding that \$.65 a front foot, you paid for that line to go across your property and then part of that was to be used to upgrade, I may be wrong. My point is that these new developers that are coming into town and are building this subdivision and have put in

sewer lines and so on and so forth, I don't disagree with that fee that you have to collect from them because they have put nothing into the town, and they have given nothing. But the people that are already here, that have existing lots, have paid, so I am just asking for a consideration. We certainly will consider that. Thank You.

Mayor Post called the regular Council meeting to order at 7:55 p.m.

Councilwoman Betts offered a moment of silence.

Mayor Post called roll.

PRESENT: Mayor Post

Councilman Frey
Councilman Harris
Councilman Dvornick
Councilwoman Betts
Councilwoman Melson

ABSENT: Councilman Prettyman

Others Present:

Before the approval of the minutes, I would like to introduce two new people up here, and one is our new town manager, George Dickerson, and Mr. George Dickerson comes from the town Manager of Camden and he has now joined us as our new town manager of Milton. Please go into the town hall and welcome him. He certainly has stated that he has an open door policy. Mr. Dickerson, did you want to say a couple of words? Mr. Dickerson introduced him self and said a few words about his self and the effects he thinks he will have on the town.

I also would like to take a second to introduce our new town solicitor and it's John F. Brady, who is with Brady, Richardson, Guilgard and Chasnoff out of Georgetown and Mr. Brady, did you want to say a brief word? Mr. Brady introduced himself as the new Town Solicitor

Presentation and Approval of Minutes – The first ones we need to approve are April 3, 2006. Councilman Dvornick, "I make a motion to approve April 3 minutes in written form." We have a second from Councilman Harris. Is there any discussion? We have a motion and a second, all in favor say "Aye" – aye, motion carried. We will have both sets of minute's next meeting for approval.

Committee Reports

<u>Sewer & Water</u> – Councilwoman Melson – The committee met on the 23rd to discuss excessive BOD levels in certain areas of town stemming from, in part grease traps that were not being maintained. After reviewing the existing ordinance the committee decided to have maintenance department and the health department go to certain businesses that seem to be contributing to the high BOD levels as well as instruct the code enforcers to send letters. The town's engineer is in the process of doing a rewrite for the ordinance a strong penalty for those in violation. Estimate submitted to the replacement, copies were given to council, it's on the agenda later this evening for

approval and there is also mention of report given for a total maximum daily load study that DNREC does every five years to monitor pollutants being discharged to the Broadkill. This study is being done on the Town of Milton for our used gallon per day and DNREC is using the study on the new plant. We are in hopes of getting it constructed, which it would be, at least 1 million gallons per day. Committee members to draft a letter to DNREC to make them aware of this issue and also forward information to the Ad Hoc Committee for the new plant. Thank You.

New Sewer Plant Planning/Development Ad Hoc committee — We have two reports on that. The committee met on June 2 and, essentially, just to update everyone from a BOD compliance standpoint, we don't have a computer here tonight so we can't show you the PowerPoint presentation. The month of April was not favorable for the Town of Milton. On average, we exceeded our 15 BOD and our maximum was 26, well above the 23 permitted. Continued to reinforce that the most critical element at this point in time is the land search. With respect to land search, a letter of intent was delivered on May 30 to a property owner and, in that letter of intent, it was outlined that an agreement had to be reached on whether or not we were going to go through with the purchase by July 31 and as far as the facility design goes, we are about the 85 – 90% complete and at this time I am going to turn it over to Charlie O'Donnell from GMB, who will walk us through his presentation. Council was given a copy of the presentation and Charlie presented the presentation. Are there any question? Both of these presentations will be on the internet by Friday on the town website.

There was a question of if we are going to be putting the same amount into the river in three years. The way we're designing the facility it will have an actual 33% reduction of nitrogen and phosphorus that enters the rivers. Even though we'll be treating more water as the town grows, we're actually going to be putting less phosphorus and less nitrogen in the water. Early on, we had discussions with DNREC, they did a TM Gale study on the Broadkill river and we wanted to meet with them, know what their requirements were, let them know where the town stood, try to get some cooperation between DNREC and the town on projects and that's where we came up with that they would like us to have at least a 33% reduction on nitrogen and phosphorus.

There was a question if any part of the plant going to be involved in processing that water. The only part of the process would be the last pump station. Where are the pressed solids going to be trucked to and is it possible to put the discharge somewhere else besides the Broadkill River? The press solid goes to a landfill in Anne Arundel. Part of the town's plan is that facility is going to be big enough to handle 800,000 to 1.2 million gallons per day. What we originally charged to do was build a 1.5 million to 3 million gallons per day. So up to 1 million gallons per day is going to be dumped into the river and anything over that will go to plant. At some point in the future you are going to be faced with the construction of a new waste water treatment facility and hopefully, at that time, you will have land available for spray. Currently, the town has no land available for spray irrigation. You may have to build again if the town were to grow beyond what the current design calls for. Remember what the plan calls for, the existing town, everything in your comprehensive plan and a 15% growth above that. You can't construct a plant for 1 million gallons if there isn't a demand for it because you'll still have to pay for 1 million gallons treatment capacity.

This five stage thing is a reactor. How many different manufacturers are there and how do you know that they are going to perform to the level that they say they are? We

probably have about 20 - 25 plants in operation throughout Delaware, Maryland and Virginia and we are basing this process around something called "Einco Process" and we have at least 15 of those plants and we have a tremendous amount of experience of the way that they operate. Thank You.

Streets & Sidewalks - Councilwoman Betts - Just to answer Mr. Collier's questions, the Spruce Street one way was brought to the committee. They thought that street was wide enough and I brought it to the council and they voted it down to be a one way street. It was taken care of. The Alley, which Mr. Collier mentioned, had never been approached and was not included in the alleys that we were talking about a few months past. Mr. Welu talked with me in regard to the problem he had on Hazzard Street. I gave the information to Mr. Godwin to check out and, unfortunately, he never got back to me before he left. The committee met on May 4th, with several suggestions. Problems with shipbuilders were brought up and addressed. I would like to let you know that the street lights are being installed in Wagamon's West Shores and that in 2005 we received \$62,959.29 in street aid, which is to help pay for repairs of the street, our street lights. In 2006, we only received \$58,069.96 in street aid in regard to the money they were debt on the highways. In order to get street aid for the streets, we must have the new streets deeded to us. The lights and roads will be deeded to us by June 30 of this year. Otherwise, we cannot receive the street aid for the next fiscal year, which is going to be a great expense to the town, and then we will not be able to receive any if the streets aren't deeded. We contacted all the developers and they said they cannot be deeded in time for us to get on next year's street. Holter Street has asked to have it closed for a block party and I would like to bring that before the council and vote on and also, I have a letter asking to have Atlantic Avenue, I would like to read the letter and then let the town council vote on that. The letter was read into record. It is requested that the area be repainted and a new sign be posted with enforcement. I would like to refer to you Delaware code 21 section 4179 and it is signed by John Bushey, secretary of the fire company. To get back to the street in 2000, there was some concern that no streets had been redone recently. In 2004, Marshall Street and Bay Avenue was redone at a cost of \$44,683.14, also Frederick Street at \$28,206.36 in 2005. In 2006, all the curb cuts have been finished and 40% of our budget was then used as of December 2005. We are a little bit late in knowing how much has been spent because of being without a finance director. I would like to add the \$44,000 and \$28,000 has been supplied. The money did not come out of the town; it was given to us from Senator Adams. It did not cost us anything. Thank you, we will bring under new business as "C" the block party for the closing of Holter Street and "D" the Union and Atlantic request.

<u>Personnel/Pension</u> – I have no report mayor.

Parks & Recreation – Councilman Harris – At the last meeting, we discussed replacement of the old park equipment and the youth equipment and discussing the design of the new pavilion. We also discussed sources of funding, and to help mulch the trees and that really made the park look nice for that weekend. We will be finishing mulching the rest of the trees in the park and cleaning up the rest of the park. The inmates are coming this month. What we have done is to schedule them every month because there are a lot of issues the town has with maintenance overtaxing our maintenance department, we are going to utilize them to do things like paint the train station and to work in the park and work around town to beautify it. A very quick thank you to Lynn Rogers for giving us a porta-potty for the summer in the park. The Lions Club also has agreed to work with the parks and recreations committee to run the train more often. During the evening of the

summer concerts, the train will be running and during most of the events. There was a concern that the train wasn't being utilized quite as often as it could be and they are working with us and we thank them for that. Also, the VFW was contacted they are interested in putting in new flag poles in the park. Summer concerts had a wonderful attendance. The Horseshoe Crab Festival had a wonderful attendance. I talked to an Eagle Scout leader; he was interested in having youth volunteers in the park to do some maintenance and to earn credit by working in the park. Phase I has been completed in the bicentennial garden. I hope you all have noticed and have taken a look at that. I would like to get three designs to put some of my own input in. We moved the walk further down towards Mulberry Street also to utilize the whole space. Keep an eye on the bicentennial garden off of Mulberry Street because that will be changing shortly as far as plantings and designs. At the next meeting, everybody but Ken is going to be actually in the bicentennial garden June 12, at 6:30 p.m. Thank You.

Economic Development – Councilman Harris – Those of you, who are present tonight, had a small taste of what one of the things the economic development committee had been doing. We had formed a new Milton film board, Diana Riordan has agreed to head that up. What we are trying to do is encourage an interest in Milton as a film shooting destination. We are going to be sending out information on Milton, places to film and the availability of Milton to impress the film industry. Also, we are in the process of getting out a letter to the bakeries in the area. Our town survey showed that this town was interested in having a bakery come to the town so all the existing bakeries; we are hoping that one will put a satellite in town. We are also working on a link to the town website for the Milton film board. The next meeting is June 14 at the town hall. Please attend. I believe the new retail spaces that are going in across the street and Milton's sausage and scrapple are also contacting a bakery to be the first ones in there. My understanding of a bakery is that it is coming.

Planning & Zoning – Ginny Weeks gave a brief summary on the meeting.

<u>Zoning ordinance review and revision – Ad Hoc Committee</u> – on the 24th of the month, we continue to review the comprehensive plan, we have a copy of the comprehensive plan. It does not say how thankful we are to have a new city manager on the board and the new city attorney and we hope to meet with them soon and receive some guidance from them. Thank You.

Milton Development Corporation – we showed the importance of being Ernest and it netted \$9,000, we had a one night comedian show and it netted approximately \$800. For advertising and sponsorship and adds for the kayak race, that will be held in August and there will be a show, it's an evening of one acts on June 16, 17, 18, 23, 24 and 25. The general admission is \$15, students and seniors \$12. Thank You.

Board of Adjustment – Met on May, 23, 2006 and we actually have an application for a variance for the Kingsway Properties LSC, and this is located on Collins Street and they were asking for a variance on three parcels. It was approved as requested. Then we changed and became the Historic Preservation board, we have two applications, one of which was Goshen Methodist Church requesting a permit to erect a fence, we approved their particular fence style which is within the character of the historical district. The second application was for lack of minimum care. I would like to take a moment and extend the board of adjustments thanks to Stephanie Coulbourne for all the work that she has done for us. Now that we have a new code enforcement officer, we are going to lose

Stephanie. We are certainly going to miss her but we don't want her to think that she wasn't appreciated. Thank you very much.

I also want to say, thank you Mr. Collier, while we have the chance to the people, just an FYI that there is a summarized report of PNC board of adjustments and as well as the building permits and also license issues and violations and all so forth, anybody is welcome to have these. Mr. Mayor, in light of what we heard from Mr. Welu, can the code enforcer's report as well as the police report be posted on the internet as well? Yes.

<u>Finance/Risk Management</u> – Councilman Dvornick – Finance Committee met on May 31 and really there were three items that we focused on. The first one was a request for \$25,000 for the 200th anniversary committee, which will be an item that is turned into the fiscal year 2007 budget, there was a request for radio read meters and there was a request for the cost relating to the historic district survey. It was the recommendation of the majority of the committee that evening that those items are placed specifically on the budget for 2007 and no action is taken on them with respect to spending money at this time. I think we have an issue under new business based on what Mrs. Yarborough presented this evening.

What type of accountability does that person or that organization have to spend the money on the town? Is anybody monitoring that with the finance committee?

Historic Preservation - ordinance review and recommendations committee - We had our last meeting on May 10 and we are progressing very nicely with revisions or suggestions for revisions of the current historic preservation overlay district ordinance section. We hope to have everything finalized and to the town solicitor and hopefully to council within the next three to four months. Our next meeting is going to be next Wednesday, June 14, at 6:30 at the museum. Anyone is welcome to attend. We had a non-committee member in attendance last meeting and his input was very beneficial. The other thing I want to mention is that being as the current ordinance reads, two of the purposes for the ordinance itself is to assist and preserve the historic character and the historic fabric of the Town of Milton and to safeguard the harasses of the town by preserving the elements which require a cultural, social, economical, political and architectural history of the town. Our committee has discussed, at length, the proposal that Ann Yarborough has brought to the council for the last several months, I cannot state how strongly we support her proposal and the project inventorying properties within the town to expand the listing of the national register. Updating that historic district inventory will go very far in serving the purposes of the current ordinance that the town has. There are a number of properties, that everyone knows, that are not currently listed on that register and not currently part of the historic district. The inventory that you have is more than 25 years old. A lot of the properties that may not have been considered historic at that time we can reflect that and see the history of them to the town and how they contribute to the heritage of this town. Our committee would like for the town to support this project and take whatever steps are necessary to have this project go forward. Thank You.

WRITTEN REPORTS

<u>Maintenance Report – There</u> is a motion to accept the maintenance report in written form. Second. We have a motion from Councilman Dvornick and a second from Councilman Frey, any discussion – all in favor say "Aye" – aye, motion carried.

Code Enforcer Report —what has been done with the old code enforcement's car? I have just taken it out of the maintenance building and in the process of giving it a wash up and it will be used. I thought if we weren't going to use it we could sell it and drop the insurance. No, I intend to do a lot of driving. The other one didn't pass inspection. It has been out of commission since before. Can we do something to get rid of it? I think it is under the police department.

Letters have gone to the property owners, they have till June 9 to respond and upon that, if we have not heard from them, a second letter will go out, after that it will go over to our town solicitor for action.

There is a motion from Councilman Dvornick to accept the code enforcer report in written form. Second from Councilman Frey. We have a motion and a second, any discussion – all in favor say "Aye" – aye, motion carried.

<u>Police Department Report –</u> there are a couple of questions – reviewing this report, the DUI arrests are up quite a bit. What do you attribute that to? We recently had several large events down in the park. Should we take a look at the policy and whoever is putting on these events discuss this with you as far as logistics, times and what is going to be taking place? I agree with you. Who would you refer that to? You would have a special meeting for a special duty officer. If it's over a certain size and we have to take from our police force to run an event, we could turn that over to finance for a special duty fee for police.

I would like to ask about the other two police cars. They will be bid out or take the options. A recommendation to council that if you sell those, the money would be put into night out. When are you planning to take it to auction? Probably in the next 30 days or next month I will get approval for that. Either way we will get rid of them. I would like to have permission to donate the money from them back to night out. I second your request for night out. We will bring that back up next month for the agenda for disposal of funds.

Complaints this month are down compared to last year. Criminal reports are down. Domestics are up and juvenile arrests are up. Traffic citations are also up, DUI are up by 18 this year. Traffic contacts are up and traffic accidents are down quite a bit. Another issue I want to address is we have been having numerous skateboard complaints and we are trying to get the word out to make sure skateboards aren't where they aren't supposed to be because someone could get hurt by a vehicle. We are going to get everybody to start wearing bicycle helmets. We had bicycle helmet handouts from the University of Delaware. Also, another thing I'm going to try to address to the town manager and council is problems by the library. We have the walk across. Vehicles aren't stopping for pedestrians like they are supposed to and something drastic is going to happen and somebody is going to get hit. I'd like to see us make a sign bigger out there and maybe do like they did in Lewes and put something in the street way so that they can actually slow them down. So many times when I go by there, there are people waiting to cross and, by law, if they are in that safe zone area, you have an obligation to stop.

Helen Maider commented on the crosswalks. The entire stretch of Federal Street has no stop signs. Cars are going very fast on that road. I think that it's an indication that cars should at least slow down and stop at the crosswalks would really be helpful. If not, at some point, consider more stop signs or another red light.

I think the reason traffic citations are up is that the two new unmarked cars. I don't know if there needs to be more signs or something to notify people that they really need to slow down, radar enforced or whatever, but he is very noticeable and for people who don't know our town; it's considered a speed trap. Actually, the speed limit signs are there for

a reason and every state has them and every body disregards them and that's what the change in signs are for and also by the officers being out there doing more traffic control whether they give a ticket or a warning, it doesn't matter. Our accidents are down, the insurance goes down, the complaints of accidents are down and people aren't getting injured and that's a good thing.

There was a question about the big trucks coming down Union. A while back we contacted certain people of the state and learned that this is a state maintained road and that trucks have every right to come through here, what we did do was when we first started about four years ago, we sent a letter, and we also sent a letter out again, asking the trucking companies to please use the detour. Not for local but delivery or local commerce. Maybe what we need to do is address it through Deldot who spent the millions of dollars to do the alternate truck route to make sure it's being used and, obviously, if we have to go above that political person, we will do that. We have a motion from Councilman Dvornick to accept the police report in written form. Second from Councilman Frey. We have a motion and a second, any discussion – all in favor say "Aye" – aye, motion carried.

Correspondence

UNFINISHED BUSINESS

First is the subdivision of the lot at 604 Union Street 2-35-14.15-43.00. Is the applicant here? I am the co-applicant James Welu as the contract purchaser of 604 Union Street Lot A is 95 feet wide on the Orchard street side and 120 feet on the Union Street side and lot B is 110 feet wide running east to west and 120 feet deep from Orchard back to the other property. I would like to address one question by Councilman Harris, parallel to Union Street, there are four rather good size maple trees and it would be my intention that they would be like the buffer between the houses on Union Street. The house would set behind them. I certainly intend to preserve those trees on that property. Second lot, lot B, would be fairly open and there would be no need to remove any trees. One of the questions that came up was the sewer capability for the back lot and the sewer manholes on Orchard Street which are about 170 feet from Union Street and it comes within the back 27 feet of lot B.

There was a question of the way the dwelling would face, and if there was enough water and sewer available. There was only one house on this property and I am creating a new dwelling on one lot. Water is not available to parcel B the sewer line is in the street 27 feet from the property line so it is a direct connection. The water does not extend all the way to it but its close enough that a water service line could be extended to the property.

We have to move forward. We have a motion from Councilman Dvornick and a second from Councilman Harris. Mr. Brady, when does that 10 day time period start? It starts at the approval when the 10 day period runs. Section read regarding the 10 day period. If would be approved tonight, it would have to be signed by the 15th. What happens if it is not received by us and approved by the 15th? If it was rejected this evening or not received in a timely fashion, it is void for one year before you can come back and reapply. I can get you the certified copies of the survey by the end of this week. We will go back to the motion and the second are you willing to rescind that motion? No. We will do a roll call vote on the motion to table this until next month to be brought back and considered with revisions.

Roll Call:

Councilman Dvornick – I vote in favor of the motion, I would like to see you use the time to get your ducks in a row and then there is no question at the July Meeting.

Councilman Harris – I feel the same way. I am in support of the motion.

Councilman Frey – I agree.

Councilman Melson – originally I was for Mr. Welu but when it comes to liability to go against the town if things don't fall in place, I vote for the motion.

Councilman Betts – I vote for the motion only because of what could happen with the council. I feel sorry that he has to come back and I really wish we could do it but I have to protect the town.

Mayor Post – I vote yes for the motion.

Motion Carried.

Radio Read Meters – I don't think that's an issue at this point. It was just a question of the water and sewer committee where it was at. What Allen remembered was it had gone to finance but Gene has answered that. So there is no motion required.

Repaired estimate well # 4 – motion made by Councilman Frey to approve it, we have a second from Councilwoman Melson. Is there any discussion? So I assume that's why is says pricing does not include replacement pump, motor, drop pipe, check valve or wire? Which means we could have additional cost associated with doing the repair of this well. Historically, the cost of the current maintenance is always greater. We have a motion on the table and a second. Do we have the money for this, it's not an item that was in the capital expenditures, but what Allen informed me is that it's a repair that is pretty necessary, it's an investigation to find out if the repair is actually necessary. There may be additional costs if they find something wrong, but historically the town defers maintenance, which always costs us more in the long run. It might be a wise investment of \$3,700. For public knowledge, the estimate is \$3,746. All in favor say "Aye" – aye. Motion carried.

Allen, would you report back at the next back at the next council meeting what they actually found and the results.

We can pull "E" from the unfinished business, simply because this was put on there, by my understanding, by the previous town solicitor. That is correct Mr. Mayor. The file for pending litigation and other issues from Mr. Willard, he and I talked Friday, I did not receive the file today in order to review it and I am conservative in nature, which means I want to read something, I want to look at the ordinance, I want to look at it before I shoot my mouth off and say something that you rely on to make sure that it is legally correct.

NEW BUSINESS

One thing part of new business and because I forgot a report and I want to give our new town manager the opportunity, I don't know if he has a report, but give him a chance to speak. I started last Tuesday, since that time, I've just been evaluating and working with staff to identify issues that they feel to be important. One of the most important things that we have in front of me is the financial records position, to have someone fill that vacancy. Interviews also with our new code enforcement officer, Robin, and some of the

town obviously wants him to work with another town for a shadow program so that he could get some training in regard to code enforcement issues. I also have a meeting scheduled with the soil conservation district to ascertain what their inspection process is within the town, I am familiar with the Kent County's process, but I want to meet with them so that I understand their process and what their expectations are in regards to rebuilding. I have met with Tom, the town auditor, to look at the financial condition based on last years' audit, I also have delegated Kelly services, which is a temporary job placement for staff for some things that have gotten behind, they will be bringing in temporary staff to try to get these things that we were behind on out a little quicker. We have scheduled an engineer to discuss what issues we actually have for the town. We certainly have some issues that are apparent and chairs and I have the people coming in and a couple of citizens I have stopped myself, if you have an opinion and your not busy and are not meeting or trying to do something, please stop in and say hello.

Dr. Wagner – Front Street extended – the issue is a street which has been hidden for many years. A discussion was held about cleaning this street up and others present felt as though there are other streets in need of repair that are used more and this street is used only for this such as people to put their kayak and canoe back there or if they want to access this walkway in the back.

We need to be a lot more aggressive in acquiring funds for town streets. Is that appropriate for the town representative to show our community where our priorities are? Any other questions?

Councilwoman Betts, "I make a motion that we support Dr. Wagner in the Front Street extended project. I myself as someone on the board of directors." No second.

The next thing on the agenda is the national small cities and towns day – Councilman Harris – it doesn't cost the town anything. National small cities and towns days is June 10, 2006. The theme for national small cities and towns day this year is building inclusive communities. The power of we. On June 10, 2006, the national league of cities will be celebrating national small cities and towns day. I am asking you to consider passing resolution at this meeting to promote our town as an inclusive community. As community leaders, it is our obligation to represent all parts of our community and by taking this small action it reflects our commitment to bringing our community together. The resolution will support diversity of race, religion, gender, abilities and culture and celebrate differences among our citizens. Increased citizen participation and promotion of equal opportunity and fairness are hallmarks of inclusive communities. Reaching out to civic leaders, churches and other organizations it is one small step in bringing our towns' valuable resources, its people, together. There are no costs involved for the town, just an awareness and commitment to represent all of our residents. As role models to our community and youth, what a better way to show them how Milton embraces diversity and is committed to everyone. I'm working to organize an annual event next year in the park, like a street fair, celebrating its diversity among our community. A lot of towns have street fairs, representing all races and genders, kind of a fun thing, it brings people into town, highlighting and celebrating the diversity of our community. The resolution reads as follows: "we the Town of Milton, mayor and council, on June 5, 2006 resolved to commit ourselves and the Town of Milton to celebrate diversity of race, religion, gender, abilities and cultures. To encourage and increase citizen participation, engagement and a promotion of people offered opportunity and fairness for our citizens. We celebrate our differences and will work together to make Milton a better place for our residents." Councilman Harris, "I make a motion", second from Councilman Dvornick.

We have a motion on the resolution and a second. All in favor say "Aye" – aye. All opposed. None. Motion carried.

Request from John Collier to close Walnut Street between Coulter Street and Mill Street for a block party.

I have a motion from Councilman Dvornick and a second from Councilman Harris. Any discussion?

All in favor say "Aye" – aye, motion carried.

Request from the fire company regarding the Union and Atlantic entrance to prohibit cars from 100 feet from the intersection and from 102 Union Street to paint the curb yellow and posting a sign. Currently, at 102 Union Street, they replaced, because of some problems we had with when they did some street work they replaced curb there and when the new curb was put in, there was a no parking sign already there in place and also there is a loading zone permitted sign there. What is the issue? It needs to be painted yellow there, that's the only thing. It enforces that no one will park there. The key is enforcement. Why has this problem all of a sudden arose, it's been that way for how many years? What's different now that wasn't different a year ago? Many people that used to park parallel there, and now people are parking on each side of Atlantic. I can see doing no parking on one side, but I cannot see banning 100 feet at every intersection in this town. The difference is people didn't use to park there and now they are. Do you know why there is more traffic or that they are parking there? I think part of it is in connection with the construction directly across from the entrance way into Atlantic. I've been in front of the board several times for building issues and I believe that the contractors are walking up the Atlantic Avenue and they were parking much closer to the stop signs but they seem to have backed away. Wouldn't it make sense to go to the contractors and say can you move your car back 50 feet? Rather than for us to have to do this? 100 feet is 10 cars. A simple solution is to go to the homeowner to have the contractors to move their vehicles back from the intersection. Would you consider writing a letter to the homeowner and expressing our concern and having them talk to the contractor to see if they can address this initially? As I understand it, there is already a parking ordinance in place in town and there is also state law and the motion that came out of the committee report, if it was amending an ordinance, would have to be an amended ordinance with notice to the public, it would have to be added, technically, at the start of the agenda and copies of the amended ordinance would have had to been circulated pursuant to our code so I think what has been suggested can be done as suggestions to the chief of police that if there was a request to amend the ordinance, and interpreting that letter from the fire department to amend the ordinance, I think that can't be done tonight. Thank you. Motion to defer it back to the streets and sidewalks committee so that someone from the committee can get up with someone from the fire house and find out what the issue is? That way if an ordinance is required, we can have one next meeting. Send it to the ordinance committee. We have a motion from Councilman Dvornick, we have a second from Councilman Harris, all in favor say "Aye" – aye. Motion carried.

Historic Survey request – Mr. Mayor, my name is Mr. Lester and I sit on the finance committee. This seems like an end run. The finance committee made the decision that the council would defer the discussion to the next fiscal year. I don't see how you can refer it back to the committee and then you put a vote on it, it doesn't seem appropriate.

If you're going to have a committee, you should abide by the committee's decision, why haven't they? The only issue now is that we asked them at the University of Delaware if they are comfortable with receiving what would simply be a letter of intention. If you can wait just one minute we will open it up to the public for discussion, but I do also I want to say that as far as I'm taking this is that we just looked at a situation just 20 minutes ago that we want to prioritize ourselves in this town. It is obviously that we don't have an interest in doing things for public interest as far as for things that don't suit our immediate needs. What I am trying to say is that I don't possibly see how the council, at this time, could address this when they see there is urgent needs of survey for the streets that we certainly would not want to take funds from our coffer of the taxpayers to do something like this and this too maybe should be seeked out of private funds and to apply for grant applications.

I'll make a motion to follow the recommendation of the town solicitor to see if we can get this not to exceed number so that we have all of our information. Second. We have a motion from Councilman Dvornick and a second from Councilman Frey all in favor say "Aye" – aye. All opposed, let it go on record that Councilman Melson, Councilman Betts opposed.

Councilman Dvornick, "Mr. Mayor, I make a motion that we go into executive session." Second from Councilwoman Betts. Motion and second all in favor say "Aye" – aye motion carried.

Respectfully submitted,

Stephanie Coulbourne